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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,574	11/20/1998	KIRAN CHALLAPALI	PHA-23.540	9299
24737	7590	04/29/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/196,574

Applicant(s)

CHALLAPALI ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 15 is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The request filed on February 14, 2005 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.
2. The applicants' arguments from the amendment filed January 20, 2005 have been noted, considered, and addressed in the following grounds of rejection.
3. Claims 12-14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 12, line 5, "higher" should be changed to "high" in order to provide proper antecedent basis for the same as specified at claim 11, line 7;

(2) claim 14, line 8, "quantization level" should be changed to "high level of quantization" in order to provide proper antecedent basis for the same as specified at line 6;

(3) claim 14, line 8, "said encoder" shows no clear antecedent basis. Suggestion: change "encoder" to "processor";

(4) claim 16, line 4, before "memory", "the" should be properly inserted in order to provide proper antecedent basis for the same as specified at line 3; and

(5) claim 16, line 10, before "information", "pixel" should be properly inserted in order to provide proper antecedent basis for the same as specified at lines 11-12.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stenger of record (DE 3608489A1) in view of Katata et al of record (5,815,601).

Stenger discloses a method of improving image segmentation of a video telephone scene as shown in Figures 3 and 4, and substantially the same apparatus for processing a stereo pair of images, comprising substantially the same memory which stores process steps (i.e., as provided to carry out functions within Figure 4), and a processor which executes the process steps stored in memory so as to calculate the difference in location of like pixels in each image (see page 4, lines 4-10 of translated article), if the difference in location is above a set threshold the pixel information is identified as foreground pixel information, if below the set threshold the pixel information is determined to be background pixel information (see page 4, lines 4-10 of translated article).

Stenger does not particularly disclose, though, a processor which executes the process steps stored in the memory so as to determine whether each 8 x 8 DCT block contains a particular amount of foreground information, and to encode those 8 x 8 DCT blocks having at least the particular amount of foreground pixel information at a first higher level of quantization and those 8 x 8 DCT blocks having less a threshold level of foreground information at a second lower level of quantization as claimed in claim 16. However, Katata et al discloses an image encoder as shown in Figure 1 and teaches the conventional use of a DCT block classifier (i.e., within 106 of Figure 1, and see column 5, lines 1-4, lines 53-63) coupled to a foreground extractor (i.e., 101, 102 of Figure 1 and see column 4, line 45 to column 5, line 4) for determining which DCT blocks of at least one of the images contain a threshold amount of foreground information; an encoder (i.e., within 106 of Figure 1, and see column 5, lines 1-4)

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coupled to the DCT block classifier which encodes those 8 x 8 DCT blocks having a threshold level of foreground information with a first higher level of quantization and which encodes those 8 x 8 DCT blocks having less than a threshold level of foreground pixel information (i.e., background information as provided by the threshold 15 of Figure 5 of Stenger represents the less than a threshold level of foreground pixel information, and which such background information as determined is provided within the encoder of Katata et al for encoding the thus determined 8 x 8 DCT blocks of background information) at a second lower level of quantization level (see column 1, lines 12-25, columns 7-8, different quantization step sizes pertaining to a selected area of interest are assigned, with high and low quantization level selections, see column 7, line 49 to column 8, line 24, column 9, line 38 to column 10, line 13). Therefore, it would have been obvious to one of ordinary skill in the art, having the Stenger and Katata et al references in front of him/her and the general knowledge of stereo image processings within video phone environments, would have had no difficulty in providing a DCT block classifier and an encoder for providing different quantization level processings for foreground and background image data, as taught by Katata et al for the stereo image videophone system within Stenger for the same well known image compressions purposes as claimed.

6. Claims 12-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 1-11 and 15 are allowed.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

4/25/05

